

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

THELMA P. WILLIS

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PLAINTIFF

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Case No.: AMD 02 CV3802

KERI L. DOUGHERTY, et al.

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DEFENDANTS

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PRE-TRIAL ORDER

The Plaintiff, Thelma P. Willis, and the Defendant, Keri L. Dougherty, submit the following proposed Pre-Trial Order:

I. STATEMENT OF FACTS BY THE PLAINTIFF

The Plaintiff has sued the Defendant on a theory of negligence. The facts that the Plaintiff propose to prove to support her negligence claim are as follows: She will show that on November 26, 1999, at approximately 6:00 p.m., she was walking across a parking lot called Kent Town Plaza in Chestertown, Maryland when the Defendant carelessly drove her vehicle from a parked position into the path of the Plaintiff knocking her down.

II. STATEMENT OF FACTS BY THE DEFENDANT

The Defendant proposes to produce evidence in support of her position that

on November 26, 1999, in the parking lot of Kent Town Plaza in Chestertown, Maryland, she was not operating her vehicle in a careless and negligent manner. She will also produce evidence that her vehicle did not knock down or come in contact with the Plaintiff, Thelma Willis.

**III. SIMILAR STATEMENTS AS TO COUNTER CLAIM,
CROSS CLAIM OR THIRD PARTY CLAIM**

Does not apply.

IV. AMENDMENTS REQUIRED OF THE PLEADINGS

Does not apply.

V. ISSUES TO BE ABANDONED

Does not apply.

VI. STIPULATIONS OF FACTS/REQUESTED STIPULATIONS OF FACT

The Plaintiff requests a Stipulation that all medical bills, medical records, personnel records, and income tax returns previously supplied to defense counsel in this proceeding are authentic and have been maintained in the ordinary course of business. The Stipulation is requested to avoid a necessity of bringing in custodians of records.

VII. DETAILS OF THE PLAINTIFF'S DAMAGES

Medical Bills: \$8,709.56

Lost Wages: At the time of the accident she was employed by Rite-Aid Corporation and earnings \$605.16 per week or approximately \$302.58 each week. She was disabled from 11/26/97 to 7/24/00, a total of 35 weeks. The Plaintiff has never returned to full-time employment and works approximately 4 hours per day.

Earnings Impairment: The Plaintiff will provide proof, through Dr. Kenneth Lippman, an orthopedic doctor, and through the testimony of the Plaintiff herself and the Plaintiff's employer that because of the nature of the injury the Plaintiff has never been able to return to full-time employment at Rite-Aid Pharmacy and thus has a demonstrable earnings impairment.

Pain and Suffering: \$50,000.00.

VIII. PLAINTIFF'S DOCUMENTS OR EXHIBITS

1. Employment records of Rite-Aid Pharmacy
2. Medical records of Kent & Queen Anne's Hospital
3. Records of Kent & Queen Anne's Rescue
4. Medical records of American Radiology Services including report and the actual x-ray films themselves.
5. Medical records of Dr. Bijoy Ghosh
6. Medical records of Chestertown Physical Therapy
7. Income tax returns of the Plaintiff from 1997 to 2001

8. Photographs of Kent Town Plaza parking lot

IX. PLAINTIFF'S WITNESSES

1. Tina Marvel, (Plaintiff's granddaughter),
2. Barbara McGuire
3. Thomas McGuire
4. Amy Hickman
5. Melissa Rhodes
6. Joseph Ras, immediate supervisor at Rite-Aid Pharmacy at time of accident
5. Trooper Jason Yiannakis

X. PLAINTIFF'S EXPERTS

1. Dr. Kenneth Lippman (orthopaedic surgeon), 809 N. Charles Street, Baltimore, MD 21201.

XI. DEFENDANT'S DOCUMENTS OR EXHIBITS

1. Photographs of Kent Town Plaza parking lot
2. Report of Bay Area Orthopedics
3. Employment records of Rite-Aid Pharmacy

XII. DEFENDANTS' WITNESSES

1. Keri L. Dougherty
2. Georgiana Dougherty
3. Investigating officer, Deputy Sheriff Strong
4. Trooper Jason Yiannakis

XIII. DEFENDANTS' EXPERTS

1. Dr. Stephen Brown (orthopedic surgeon)
1300 Ritchie Highway
Arnold, Maryland

XIV. OTHER PRE-TRIAL RELIEF REQUESTED BY THE PLAINTIFF

The Plaintiff requests that if settlement discussions do not take place at the time of the January 22, 2004 conference with this Honorable Court, that a formal settlement conference be scheduled by this Court.

____/s/ALLISON L. SILVAIN_____
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